DOCUMENT RESUME

ED 338 987 CG 023 808

AUTHOR Rose, Laura; Matthias, Mary
TITLE Legislation on Homelessness. Wisconsin Legislative Council Report No. 12 to the 1991 Legislature.
INSTITUTION Wisconsin State Legislative Council, Madison.
REPORT NO RL-91-12
PUB DATE 30 Oct 91
NOTE 29p.
PUB TYPE Legal/Legislative/Regulatory Materials (090) -- Reports - General (140)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Health Services; *Homeless People; Public Policy; Social Services; *State Legislation; State Programs; Veterans
IDENTIFIERS *Wisconsin

ABSTRACT

The components of Wisconsin's 1991 Assembly Bill 680 that considers homelessness are discussed in this document. The Bill itself addresses: (1) surplus state lands; (2) transitional housing grants; (3) prevention of homelessness; (4) establishing a low-income housing income and franchise tax credit; (5) veterans lacking a permanent address; (6) homeless veterans reintegration; (7) homeless shelter grants; (8) general relief program changes; (9) Aid to Families with Dependent Children-Emergency Assistance Program; (10) medical assistance reimbursement for certain services; (11) services to homeless individuals with alcohol and other drug abuse problems; (12) domestic abuse grants; (13) primary health care services for homeless persons; (14) services for runaway youths; (15) interest on real estate trust accounts; (16) providing for a community land trust study; (17) providing for a study; and (18) granting rule-making authority and making appropriations. Committee activities, including assignments, summary of meetings, committee and council votes, and staff materials are discussed. A description of the Bill is included, focusing on the topics of housing opportunities for homeless persons; homeless veterans issues; social service programs for homeless persons; and health care for homeless persons. An appendix includes a 59-item bibliography of committee materials. (ABL)

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WISCONSIN LEGISLATIVE COUNCIL

REPORT NO. 12 TO THE 1991 LEGISLATURE

LEGISLATION ON HOMELESSNESS

1991 ASSEMBLY BILL 680, RELATING TO SURPLUS STATE LANDS; TRANSITIONAL HOUSING GRANTS; PREVENTION OF HOMELESSNESS; ESTABLISHING A LOW-INCOME HOUSING INCOME AND FRANCHISE TAX CREDIT; VETERANS LACKING A PERMANENT ADDRESS; HOMELESS VETERANS REINTEGRATION; HOMELESS SHELTER GRANTS; GENERAL RELIEF PROGRAM CHANGES; THE AID TO FAMILIES WITH DEPENDENT CHILDREN-EMERGENCY ASSISTANCE PROGRAM; MEDICAL ASSISTANCE REIMBURSEMENT FOR CERTAIN SERVICES; SERVICES TO HOMELESS INDIVIDUALS WITH ALCOHOL AND OTHER DRUG ABUSE PROBLEMS; DOMESTIC ABUSE GRANTS; PRIMARY HEALTH CARE SERVICES FOR HOMELESS PERSONS; SERVICES FOR RUNAWAY YOUTHS; INTEREST ON REAL ESTATE TRUST ACCOUNTS; PROVIDING FOR A COMMUNITY LAND TRUST STUDY; PROVIDING FOR A STUDY; GRANTING RULE-MAKING AUTHORITY AND MAKING APPROPRIATIONS.

Legislative Council Staff
October 30, 1991

One East Main St., Suite 401
Madison, Wisconsin

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(1) Appointed as a Representative member of the Committee by a December 28, 1990 mail ballot, to replace former Rep. David Lepak.

WISCONSIN LEGISLATIVE COUNCIL
REPORT NO. 12 TO THE 1991 LEGISLATURE*

LEGISLATION ON HOMELESSNESS

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PART I

KEY PROVISIONS OF 1991 ASSEMBLY BILL 680

1991 Assembly Bill 680 contains numerous provisions designed to address the needs of persons who are currently homeless and to prevent homelessness by increasing housing opportunities in Wisconsin.

Specifically, the Bill does the following:

a. Increases the appropriation to the Division of Housing (DOH) in the Department of Administration (DOA) for grants to organizations operating transitional housing for the homeless.

b. Increases the appropriation to the DOA for the Housing Cost Reduction Initiative Program, to be used specifically for homelessness prevention.

c. Increases the appropriation to the Department of Health and Social Services (DHSS) for the Homeless Shelter Grant Program.

d. Creates a state low-income housing tax credit, administered by the Wisconsin Housing and Economic Development Authority (WHEDA), for persons and corporations eligible for the federal low-income tax credit, equal to 1/3rd of the amount of the federal credit for which the person or corporation is eligible.

e. Requires the state to transfer suitable surplus state lands to eligible organizations, at no cost, for use as sites for low-income housing.

f. Directs the DOH in the DOA to prepare a report on the feasibility of establishing community land trusts in Wisconsin.

g. Creates a new funding source for programs serving the homeless by requiring real estate brokers and salespersons to place certain client funds in pooled interest-bearing accounts and directs that the interest on those accounts be forwarded to the DOH for use as grants to organizations serving the homeless.

h. Provides that homeless veterans are eligible for veterans' benefits despite the fact that they lack a permanent address.

i. Appropriates $50,000 general purpose revenue (GPR) in each fiscal year of the 1991-93 biennium to the Department of Veterans Affairs (DVA) for the purpose of funding the operation of the long-term transitional

housing program of the Homeless Veterans Reintegration Project in Milwaukee.

j. Provides that the following items shall not be considered as income for the purpose of determining eligibility for general relief (GR): (1) the first $100 of earned income received in a month; and (2) goods and services received from private, nonprofit organizations.

k. Requires the DHSS to: (1) conduct a study to determine the extent to which GR is denied to persons who are potentially eligible for other forms of public assistance; and (2) clarify to GR agencies that it is impermissible to deny GR based on a person's application for, or potential eligibility for, other forms of public assistance.

l. Changes the eligibility criteria for the Aid to Families with Dependent Children-Emergency Assistance (AFDC-E) program and provides that a civil action of eviction shall be suspended if the tenant applies for emergency assistance. If the tenant is determined to be eligible for assistance, the action shall be suspended until the tenant receives the emergency assistance.

m. Increases the appropriation to the DHSS for grants to organizations providing domestic abuse services.

n. Increases the appropriation to the DHSS for services to runaway youth.

o. Requires the state to provide reimbursement of the nonfederal share of Medical Assistance for targeted case management services and community support program services provided by federally qualified health centers in Wisconsin.

p. Prohibits county departments of social services from placing the word "homeless" on the Medical Assistance identification card of any person who is determined eligible for benefits and who is homeless.

q. Establishes a state program to fund primary health services and other health care services provided to homeless individuals.

r. Repeals a provision in current law which authorizes counties to establish rules of conduct for GR recipients in homeless shelter facilities that are operated by the county or receive funding from the county and to deny access to shelter facilities to GR recipients who violate those rules.

PART II

COMMITTEE ACTIVITY

A. ASSIGNMENT

The Legislative Council established the Special Committee on Homelessness and appointed its Chairperson by a May 24, 1990 mail ballot, based on SECTION 3035 (2p) of 1989 Wisconsin Act 31. The Special Committee was directed to study homelessness in Wisconsin. Specifically, the Committee was directed to: (1) review the causes and incidence of homelessness in Wisconsin and the characteristics of the homeless population; (2) determine the needs which exist among the homeless population and the extent to which housing and other resources are currently available to meet these needs; and (3) review current initiatives and develop short-term and long-term strategies both to address immediate unmet needs and to reduce the general incidence of homelessness in this state.

Members of the Special Committee, other than its Chairperson, were appointed by a June 28, 1990 mail ballot. Membership of the Special Committee consisted of one Senator, seven Representatives and 10 Public Members.

During 1990 and 1991, the Special Committee held nine meetings, six at the State Capitol in Madison, one in the City of Eau Claire, one in the City of Milwaukee and one in the City of Green Bay, on the following dates:

August 1, 1990
September 12, 1990 (Milwaukee)
October 3, 1990 (Eau Claire)
November 13, 1990
December 13, 1990
January 10, 1991
February 8, 1991
April 5, 1991
May 23, 1991 (Green Bay)

B. SUMMARY OF MEETINGS

At the August 1, 1990 meeting, the Special Committee reviewed a staff paper which contained data on homelessness in Wisconsin and information on major federal and state programs addressing the problem of homelessness. The Committee members then discussed their involvement with or concerns about the homeless.

At the September 12, 1990 meeting, the Special Committee conducted a public hearing, with invited speakers, at the Department of Natural Resources' Southeastern District Headquarters in the City of Milwaukee. At the public hearing, the Special Committee received testimony regarding

various homeless programs administered by the DHSS and by WHEDA. The Special Committee also heard testimony from representatives of the following organizations: Habitat for Humanity of Dane County; YWCA-Transitional Housing Program, Milwaukee; Milwaukee County Veterans Service Office; Wisconsin Association of Concerned Veterans Organizations; Dane County Veterans Service Office; the Milwaukee Women's Center; Hope House, Milwaukee; Community Relations-Social Development Commission Family Crisis Center, Milwaukee; Mobile Community Clinic, Milwaukee; Coalition for Community Health Care, Milwaukee; Community Advocates of Milwaukee; Racine Women's Resource Center; Vision House, Racine; Walker's Point Development Corporation, Milwaukee; the City of Milwaukee Bureau of Housing and Neighborhood Development; the United Amerindian Center, Green Bay; and Legal Action of Wisconsin.

At the October 3, 1990 meeting, the Special Committee conducted a public hearing, with invited speakers, at the L.E. Phillips Memorial Library in the City of Eau Claire. The first portion of the meeting was devoted to presentations on the transitional housing programs operating in the State of Minnesota. The Committee heard from Sue Phillips, Chairperson, Minnesota Coalition for the Homeless; Patrick Leary, Minnesota Department of Jobs and Training; and Kit Hadley, Minnesota Housing Finance Agency. The Special Committee also heard testimony from the public and from representatives of the following organizations: Wisconsin DVA; Eau Claire Family Medical Clinic; Eau Claire County Off-Campus School; WESTCAP Community Services; Housing Now-Crossroads Shelter, Green Bay; North Woods Coalition for Homeless Aid, Minong; Bolton Refuge House, Eau Claire; Eau Claire County Department of Human Services; and Western Dairyland Equal Opportunity Commission, Inc.

At the November 13, 1990 meeting, the Special Committee heard presentations by four invited speakers. Sol Levin, Project HOME, Madison, presented information on community land trusts. Lee Martinson, Administrator, DOH, DOA, described the programs related to homelessness and housing needs of low-income persons operated by the DOH. Nancy Schulz, Transition Education Program, Emerson School, Madison, discussed the transitional education programs for homeless children in the City of Madison. Mary Lou McClain, Department of Public Instruction (DPI), described the DPI's activities relating to the educational needs of homeless children.

The Special Committee also reviewed a staff paper describing the New Jersey Homelessness Prevention Program and a paper summarizing homeless assistance programs in Wisconsin. The Special Committee then discussed several possible legislative initiatives proposed by Committee members.

At the December 13, 1990 meeting, the Committee reviewed a staff paper presenting possible changes in laws and programs relating to homelessness and began developing it recommendations for legislation. The Special Committee directed staff to prepare draft legislation related to

the AFDC-E program and homelessness prevention. The Special Committee also discussed the work of the Governor's Housing Policy Task Force and directed staff to inform the DOA of the Committee's concern over the transfer of the Emergency Shelter Grant Program and the Homeless Shelter Subsidy Grant Program to the DOH. The Special Committee concluded that those programs should remain within the DHSS because of their strong social services components. The Special Committee also discussed several issues related to GR and AFDC eligibility for pregnant women without children, but took no action on these items.

At the January 10, 1991 meeting, the Special Committee heard testimony from Representative Stan Gruszynski, regarding 1989 Assembly Joint Resolution 101, relating to amending the State Constitution's provisions prohibiting the state from engaging in the works of internal improvements. The Committee discussed the proposal and voted to go on record in support of passage of the Joint Resolution on second consideration.

The Committee next resumed its discussion of the staff paper relating to possible changes in laws and programs relating to homelessness. The Committee developed recommendations in several areas and directed staff to prepare draft legislation on the topics of GR, Medical Assistance, health care for the homeless, educational programs for homeless children, homeless veterans, services for runaway youth and homeless shelter grants. The Special Committee also directed staff to require the DHSS to send a strongly-worded letter to all mental health facilities in the state informing them that it is illegal to discharge patients from mental health facilities to homeless shelters.

At the February 8, 1991 meeting, the Special Committee concluded its discussion of the staff paper regarding possible changes in laws and programs relating to homelessness and directed staff to prepare draft legislation relating to domestic abuse services. The Special Committee also discussed proposals related to real estate trust accounts and educational programs for homeless children. Chairperson Stower appointed working groups to develop proposals on these topics for the Committee to review at its next meeting. The Committee next discussed a staff paper containing proposals relating to increasing housing opportunities for homeless persons. The Committee developed recommendations based on information in the paper and directed staff to prepare draft legislation on transitional housing, community land trusts and surplus state lands. The Committee also directed staff to prepare a letter to WHEDA, containing recommendations related to several programs administered by that agency.

At the April 5, 1991 meeting, the Special Committee reviewed all of the draft legislation prepared by staff. The Committee gave final approval to several items and directed staff to make changes in other proposals, for its final approval by mail ballot. In addition, the Committee voted to go on record in support of the following policy

recommendations: (1) maintaining the current levels of funding for alcohol and other drug abuse services for homeless individuals under s. 46.48 (21), Stats., which 1991 Assembly Bill 91 (the Executive Budget Bill) proposed to reduce; (2) deleting language in the Executive Budget Bill regarding rules of conduct for GR recipients staying in homeless shelters; and (3) supporting the Governor's proposal to target housing services in the DOH's programs.

At the May 23, 1991 meeting, the Special Committee conducted a public hearing in Green Bay to receive testimony regarding the proposal developed by the Special Committee. At the public hearing, the Special Committee received testimony from representatives of the following organizations: Brown County; Brown County Mental Health; United Amerindian Center; Bay Area Youth Development Services; Wisconsin Association of Concerned Veterans' Organizations; Crossroads Shelter; Brown County Task Force for the Homeless; The Next Step; NEW Community Clinic; and the Brown County Subcommittee on Housing and Homelessness; as well as several individuals.

C. COMMITTEE AND COUNCIL VOTES

The Special Committee on Homelessness, at its April 5, 1991 meeting, voted to recommend the following drafts for introduction by the Legislative Council in the 1991-92 Legislature:

WLCS: 409/1, relating to veterans lacking a permanent address, by a vote of Ayes, 14 (Reps. Stower, Schneiders, Darling, Lehman and Rohan; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk and Zimmerman); Noes, 0; Absent, 4 (Reps. Moore and Plache; Sen. Burke; and Public Member Wynn); and Not Voting, 0.

WLCS: 410/1, relating to properties acquired by the DVA, by a vote of Ayes, 14 (Reps. Stower, Schneiders, Darling, Lehman and Rohan; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk and Zimmerman); Noes, 0; Absent, 4 (Reps. Moore and Plache; Sen. Burke; and Public Member Wynn); and Not Voting, 0.

WLCS: 432/1, relating to GR program changes, by a vote of Ayes, 13 (Reps. Stower, Darling, Lehman and Rohan; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk and Zimmerman); Noes, 1 (Rep. Schneiders); Absent, 4 (Reps. Moore and Plache; Sen. Burke; and Public Member Wynn); and Not Voting, 0.

WLCS: 434/1, relating to homeless shelters and making an appropriation, by a vote of Ayes, 13 (Reps. Stower, Darling, Plache and Rohan; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk and Zimmerman); Noes, 2 (Reps. Schneiders and Lehman); Absent, 3 (Rep. Moore; Sen. Burke; and Public Member Wynn); and Not Voting, 0.

WLCS: 435/1, relating to services for runaway youth and making an appropriation, by a vote of Ayes, 8 (Rep. Stower; and Public Members Fergus, Greenley, Herriges, Lucio, Strom, Volk and Zimmerman); Noes, 2 (Reps. Schneiders and Lehman); Absent, 7 (Reps. Darling, Moore, Plache and Rohan; Sen. Burke; and Public Members Vesaas and Wynn); and Not Voting, 1 (Public Member O'Malley).

WLCS: 437/1, relating to Medical Assistance program changes and making an appropriation, by a vote of Ayes, 14 (Reps. Stower, Schneiders, Darling, Lehman and Rohan; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk and Zimmerman); Noes, 0; Absent, 4 (Reps. Moore and Plache; Sen. Burke; and Public Member Wynn); and Not Voting, 0.

WLCS: 444/1, relating to domestic abuse grants and making an appropriation, by a vote of Ayes, 9 (Reps. Stower and Darling; and Public Members Fergus, Greenley, Herriges, Lucio, Strom, Volk and Zimmerman); Noes, 2 (Reps. Schneiders and Lehman); Absent, 6 (Reps. Moore, Plache and Rohan; Sen. Burke; and Public Members Vesaas and Wynn); and Not Voting, 1 (Public Member O'Malley).

WLCS: 451/1, relating to real estate trust accounts and requiring rule-making, by a vote of Ayes, 9 (Rep. Stower; and Public Members Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk and Zimmerman); Noes, 4 (Reps. Schneiders, Darling and Lehman; and Public Member Fergus); Absent, 5 (Reps. Moore, Plache and Rohan; Sen. Burke; and Public Member Wynn); and Not Voting, 0.

The Special Committee, by a mail ballot dated May 1, 1991, voted to recommend the following drafts for introduction by the Legislative Council in the 1991-92 Legislature:

WLCS: 397/2, relating to establishing a transitional housing grant program, granting rule-making authority and making an appropriation, by a vote of Ayes, 18 (Reps. Stower, Schneiders, Darling, Lehman, Moore, Plache and Rohan; Sen. Burke; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk, Wynn and Zimmerman); Noes, 0; and Not Voting, 0.

WLCS: 427/2, relating to prevention of homelessness, increasing an appropriation and granting rule-making authority, by a vote of Ayes, 17 (Reps. Stower, Schneiders, Darling, Moore, Plache and Rohan; Sen. Burke; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk, Wynn and Zimmerman); Noes, 1 (Rep. Lehman); and Not Voting, 0.

WLCS: 431/2, relating to eligibility for the Aid to Families With Dependent Children Emergency-Assistance program, by a vote of Ayes, 17 (Reps. Stower, Darling, Lehman, Moore, Plache and Rohan; Sen. Burke; and

Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk, Wynn and Zimmerman); Noes, 1 (Rep. Schneiders); and Not Voting, 0.

WLCS: 438/2, relating to primary health care services for homeless persons and making an appropriation, by a vote of Ayes, 16 (Reps. Stower, Darling, Moore, Plache and Rohan; Sen. Burke; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk, Wynn and Zimmerman); Noes, 2 (Reps. Schneiders and Lehman); and Not Voting, 0.

WLCS: 439/2, relating to establishing a low-income housing tax credit, by a vote of Ayes, 17 (Reps. Stower, Schneiders, Darling, Moore, Plache and Rohan; Sen. Burke; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk, Wynn and Zimmerman); Noes, 1 (Rep. Lehman); and Not Voting, 0.

WLCS: 443/2, relating to surplus state lands and granting rule-making authority, by a vote of Ayes, 15 (Reps. Stower, Darling, Moore, Plache and Rohan; Sen. Burke; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Vesaas, Volk, Wynn and Zimmerman); Noes, 3 (Reps. Schneiders and Lehman; and Public Member Strom); and Not Voting, 0.

WLCS: 460/1, relating to directing the DOH to prepare a report regarding the establishing of community land trusts in this state, by a vote of Ayes, 18 (Reps. Stower, Schneiders, Darling, Lehman, Moore, Plache and Rohan; Sen. Burke; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk, Wynn and Zimmerman); Noes, 0; and Not Voting, 0.

WLCS: 472/1, relating to homeless veterans' reintegration and making an appropriation, by a vote of Ayes, 17 (Reps. Stower, Schneiders, Darling, Moore, Plache and Rohan; Sen. Burke; and Public Members Fergus, Greenley, Herriges, Lucio, O'Malley, Strom, Vesaas, Volk, Wynn and Zimmerman); Noes, 1 (Rep. Lehman); and Not Voting, 0.

At the direction of Representative Harvey Stower, Chairperson of the Special Committee on Homelessness, the approved drafts were combined into one draft, WLCS: 509/1.

At its June 13, 1991 meeting, the Legislative Council voted to introduce WLCS: 509/1 by a vote of Ayes, 15 (Reps. Schneider, Clarenbach, Coggs, Gruszynski, Kunicki, Linton, Panzer, Travis and Zien; and Sens. Risser, Lorman, Czarnezki, Kreul, Leean and Moen); Noes, 3 (Reps. Prosser and Wimmer; and Sen. Ellis); and Absent, 3 (Sens. Adelman, George and Helbach).

D. STAFF MATERIALS

The Appendix lists all materials received by the Special Committee. The following documents, prepared by the Legislative Council Staff, may be of particular interest with regard to 1991 Assembly Bill 680:

1. Staff Brief 90-6, Information on Homelessness in Wisconsin, dated July 26, 1990.

2. MEMO NO. 2, New Jersey Homelessness Prevention Program, dated November 2, 1990.

3. Discussion Paper 90-2, Possible Changes in Laws and Programs Relating to Homelessness, dated December 7, 1990.

4. Discussion Paper 91-1, Proposals Relating to Increasing Housing Opportunities for Homeless Persons, dated February 1, 1991.

These documents and other materials listed in the Appendix to this Report are available at the Legislative Council offices.

PART III

DESCRIPTION OF 1991 ASSEMBLY BILL 680

A. HOUSING OPPORTUNITIES FOR HOMELESS PERSONS

1. Background

Currently, the State of Wisconsin funds and administers several housing related programs to assist homeless persons.

Wisconsin receives federal funds under the Stewart B. McKinney Homeless Assistance Act [P.L. 100-77; hereafter, "the McKinney Act"] for both the Permanent Housing for the Handicapped Homeless and Transitional Housing Program. The Permanent Housing for the Handicapped Homeless Program is administered by WHEDA. The Transitional Housing Program is administered by the Federal Department of Housing and Urban Development (HUD), although WHEDA provides funding in the forms of low-interest mortgages for several grantees under that program. The Transitional Housing Program serves deinstitutionalized homeless individuals, other homeless individuals with mental disabilities and homeless families and children to facilitate their movement into independent living within 24 months. The Permanent Housing for Handicapped Homeless Persons Program provides long-term housing and supportive services to handicapped homeless persons.

In 1991 Wisconsin Act 39, $81,000 GPR was appropriated for each year of the 1991-93 biennium to be used as matching funds for the Transitional Housing Program under the McKinney Act.

Through the Homeless Shelter Grant Program, the state provides funding for agencies and shelter facilities which provide temporary shelter as well as supportive services for homeless individuals and families. The Program is currently administered by DHSS. However, 1991 Wisconsin Act 39 transfers this Program to the DOA, effective July 1, 1992. In 1991 Wisconsin Act 39, $1,800,000 GPR was appropriated for each year of the 1991-93 biennium for this program.

The DOH in the DOA administers three grant programs which provide funding to homelessness-related organizations, among others. These are the Local Housing Organization Grant Program, funded at $1,000,000 GPR for the 1991-93 biennium; the Housing Cost Reduction Initiative, funded at $6.3 million GPR for the 1991-93 biennium; and the Transitional Housing Grant Program, funded at $187,500 GPR for fiscal year 1991-92 and $375,000 GPR for fiscal year 1992-93.

Data available to the Committee indicated that, for many persons, homelessness is caused by lack of sufficient income to pay rent and avoid

eviction. In addition, homelessness may be caused by a shortage of supported housing arrangements for persons who require some assistance with living activities, such as persons with chronic mental illness or alcohol and other drug abuse problems. Many families also experience displacement from their homes due to domestic abuse. Persons who become homeless might live temporarily with family and friends, in inappropriate shelters such as motor vehicles, on the street or in emergency homeless shelters.

However, in many areas of the state, there are no emergency shelters for homeless persons. Additionally, the utilization of homeless shelters which exist in some parts of the state and which are funded by the state's Homeless Shelter Grant Program has increased substantially over the past several years. The DHSS reports a 30% increase in 1990, over 1989, in nights of shelter provided by homeless shelters funded by the state Homeless Shelter Grant Program.

2. Description of Provisions in 1991 Assembly Bill 680, Relating to Increasing Housing Opportunities for Homeless Persons

1991 Assembly Bill 680 enhances some existing programs and creates several new programs which would increase the availability of housing for homeless and low-income persons. The Bill does the following:

a. Increases the appropriation to the DOA, DOH, for the Transitional Housing Grant Program by $612,500 GPR in fiscal year 1991-92 and $425,000 GPR in fiscal year 1992-93 and amends certain language in current law relating to the Program.

b. Increases the appropriation to the DOA, DOH, for grants and loans provided under the current Housing Cost Reduction Initiative, to be earmarked specifically for homelessness prevention activities. This provision increases the appropriation to the DOH by $250,000 GPR in 1991-92 and by $500,000 GPR in 1992-93.

c. Increases the appropriation for the state Homeless Shelter Grant Program. Currently, $750,000 GPR is provided for this Program in fiscal year 1991-92 and $1,050,000 GPR is provided for fiscal year 1992-93; the Bill would increase this appropriation by $750,000 GPR in fiscal year 1991-92 and by $450,000 GPR in fiscal year 1992-93 for a total appropriation of $1.5 million GPR in each year. In addition, the Bill eliminates the transfer of this Program from DHSS to the DOA, which, under current law, would occur on July 1, 1992. The Special Committee opposed transferring the Program out of DHSS because of the strong social services components of the Program.

d. Creates a state low-income housing tax credit, administered by WHEDA. The credit would be available to persons and corporations eligible for the federal low-income housing tax credit, which provides a credit

against federal tax liability to encourage the development, acquisition and rehabilitation of low-income housing. The state credit is 1/3rd of the federal credit for which the person is eligible. Projects which receive the credit must commit to meet requirements for low-income tenant occupancy, gross rent restrictions and other requirements for a 15-year compliance period and a period of 15 years beyond the compliance period.

e. Establishes a program whereby the state is required to transfer suitable surplus state lands to eligible organizations, at no cost, for use as sites for low-income housing. Eligible entities, which include community-based organizations, housing authorities and for-profit housing developers, may submit an application requesting the DOA, DOH, to petition the head of any state agency having jurisdiction over property which the DOH determines is suitable for use as low-income housing to declare the property to be surplus. If the property is determined to be surplus and to be suitable for low-income housing, the agency transfers the property to the DOH, which may then transfer the property to the eligible entity pursuant to a written agreement setting forth conditions on the use of the property and the amount of rent charged for housing located on the property, among other items.

Current law (enacted in 1991 Wisconsin Act 39, the 1991-93 Biennial Budget Act) simply provides that the DOA may transfer surplus state property to an applicant pursuant to a "written agreement" under which the applicant agrees to pay the DOA "an amount to utilize the real property in conformance with the agreement." Current law does not specify that transferred property must be used for low-income housing, nor does it set forth any other restrictions on the use of the property.

f. Directs the DOA, DOH, to prepare a report on the feasibility of establishing community land trusts (CLT's) in Wisconsin. A CLT is a private, nonprofit organization that acquires or develops housing and offers the housing for sale. The CLT retains ownership of the land upon which the housing is located and leases it on a long-term basis to the homeowner. The DOH's report, prepared in consultation with the Department of Development (DOD), will analyze the feasibility of establishing CLT's in Wisconsin, which would include methods of financing CLT's, including the use of community development block grant funds; the potential for CLT's to provide housing opportunities for low-income and homeless persons; and the areas of the state where CLT's would be of most benefit to low-income and homeless persons.

g. Creates a new funding source for programs serving the homeless by requiring real estate brokers, salespersons and time-share salespersons to place certain client funds in pooled interest-bearing accounts and directing that the interest on those accounts be used for programs to serve the homeless.

B. HOMELESS VETERANS ISSUES

1. Background

It is estimated that a high percentage of homeless persons are veterans of the U.S. military service. The most frequently cited estimates are that 1/3rd of homeless persons are veterans. Information received by the Committee also indicates that frequently, homeless veterans may be ineligible for available veterans' benefits because they lack a permanent address.

2. Description of Provisions in 1991 Assembly Bill 680, Relating to Homeless Veterans

1991 Assembly Bill 680 makes the following changes in the statutes to assist homeless veterans:

a. Provides that a person living in the state who would meet the definition of a veteran, except that he or she is not a state resident because of the lack of a permanent address, shall be considered a resident for veterans' benefits purposes if he or she does not intend, at the time of applying for benefits, to permanently remove himself or herself from the state at a definite time. The person need not intend to remain in the state permanently to be eligible for benefits.

b. Appropriates $50,000 GPR in each fiscal year of the 1991-93 biennium to the DVA for grants to the Milwaukee County Veterans Services Office to fund the Homeless Veterans Reintegration Project in Milwaukee.

C. SOCIAL SERVICE PROGRAMS FOR HOMELESS PERSONS

1. Background

Current public assistance programs for which homeless persons may be eligible include GR and AFDC. The GR Program is a state- and county-funded public assistance program. Persons who meet certain designated income and asset requirements, residency requirements and work requirements, may apply for and receive GR.

Based on available data, a significant percentage of homeless shelter residents receive GR. It was reported to the Committee that many GR recipients staying in homeless shelters are deemed ineligible by county social services departments for GR benefits for shelter. This circumstance often makes it difficult for these individuals to accrue funds necessary to secure permanent housing.

Another factor which may make it difficult for GR recipients to accrue funds to secure housing is the fact that small amounts of money

which some GR recipients might earn for performing odd jobs or selling plasma, for example, is counted against the individual in determining GR eligibility.

AFDC is a program which provides public assistance benefits to certain families with dependent children who meet various income, asset and work requirements. The AFDC program is state and federally funded. Data from various homeless studies indicate that a substantial percentage of homeless shelter residents receive AFDC.

The state has provided funding for the AFDC-Emergency Assistance (AFDC-E) program. AFDC families may be eligible for these funds; in addition, other families not currently receiving AFDC may be eligible if they meet certain requirements.

AFDC-E is currently funded at approximately $1.6 million GPR for each fiscal year of the 1991-93 biennium. The program provides funds to members of needy households with dependent children in the cases of emergencies arising out of fires, floods, tornados or other natural disasters, homelessness or energy crises. Payments to homeless families are currently restricted to cases in which the family has a current residence that is a shelter designed for temporary accommodation, or the family has left its current housing because it is uninhabitable as determined by building inspection, health departments or other appropriate local authorities.

Because of the documented existence of AFDC families who are homeless, the Committee determined that if the eligibility criteria for the AFDC-E program were expanded, this might prevent some of these families from becoming homeless in the first place.

Other persons comprising the homeless population include victims of domestic violence and runaway youth. Although the state currently provides funds for special domestic abuse shelters, a significant percentage of residents at homeless shelters are also victims of domestic violence. 1991 Wisconsin Act 39 provides $2,831,500 GPR for the Domestic Abuse Shelter Grant Program in fiscal year 1991-92. However, the Governor's veto message directs that $328,400 GPR of that amount be placed in unallotted reserve to lapse to the general fund, leaving $2,503,100 GPR for the Program. 1991 Wisconsin Act 39 does not provide any funding for the Program in fiscal year 1992-93.

The population of homeless persons in Wisconsin also includes runaway youth under age 18. According to statistics provided by the Crime Information Bureau of the Wisconsin Department of Justice, 26,725 Wisconsin children were reported to police agencies as runaways in 1987. The Crime Information Bureau, as well as other experts in the state, estimate actual numbers to be much higher since it is common for many runaways not to be reported to the authorities.

In Wisconsin, 25 runaway programs serving 62 of Wisconsin's 72 counties provide counseling and intervention services to runaway youth and their families. In fiscal year 1990-91, the state provided $100,000 GPR and $458,600 in federal funds for runaway programs. 1991 Wisconsin Act 39 retains the level of federal funding for this Program, but does not provide any GPR funding.

2. Description of Provisions in 1991 Assembly Bill 680, Relating to Social Service Programs for Homeless Persons

1991 Assembly Bill 680 makes a number of changes in the statutes regarding social service programs which may affect homeless persons. The Bill does the following:

a. Creates two additional exemptions from income and property for purposes of determining GR eligibility: (1) the first $100 of earned income received in a month; and (2) goods and services received from private, nonprofit organizations. These additional exemptions would permit GR recipients, many of whom are homeless persons, to earn small amounts of income each month from such activities as selling plasma without losing eligibility for GR. Further, shelter received by a GR recipient from a private, nonprofit organization would not disqualify the individual from receiving the shelter portion of the GR grant.

b. Directs the DHSS to conduct a study of GR agencies in the state for the purpose of determining whether these agencies are denying eligibility for GR based on a person's application to, or potential eligibility for, public assistance programs. This directive was based on information received by the Special Committee that, in some counties, persons are being denied GR based on the possibility that they might be eligible for AFDC, Supplemental Security Income, or some other public assistance program.

c. Repeals a provision in current law (enacted in 1991 Wisconsin Act 39) which authorizes counties to establish rules of conduct for GR recipients in homeless shelter facilities that are operated by the county or receive funding from the county and to deny access to shelter facilities to GR recipients who violate those rules.

d. Changes the definition of "homeless family" for the purposes of the AFDC-E program and incorporates the new definition into the statutes. Under the new definition, families that meet any of the following qualifications would be considered homeless families for the purposes of that program:

(1) The family is in imminent danger of losing, or has lost, its current residence for failure to pay rent and can demonstrate that it has made a good faith effort to pay rent due.

(2) The family has a current residence that is a shelter designed for temporary accommodation, such as a motel, hotel, shelter facility or transitional shelter facility.

(3) The family has left its current housing because it is uninhabitable as determined by building inspection or a health department or other appropriate local authorities and the family did not cause the housing to become uninhabitable.

(4) The family is without a fixed and regular nighttime residence.

(5) The family is living in a place not designed for, or ordinarily used as, a regular sleeping accommodation.

(6) The family is living in the residence of another and is in imminent danger of becoming subject to any of the circumstances in items (2) to (5) above.

e. Increases the appropriation to the DHSS for grants to organizations providing domestic abuse services by $612,000 GPR in fiscal year 1991-92 and provides $3,115,100 GPR for fiscal year 1992-93.

f. Provides $561,600 GPR in fiscal year 1991-92 and $617,900 GPR in fiscal year 1992-93 for services to runaway youth.

D. HEALTH CARE FOR HOMELESS PERSONS

1. Background

Currently, health care for homeless persons may be available through various sources, including the Medical Assistance program or through various community health centers. The Health Care for the Homeless Program in Milwaukee is a program which provides primary health care for homeless persons. This program is funded through a Federal McKinney Act grant. State funds are also provided to this program. 1991 Wisconsin Act 39 appropriated $125,000 in each fiscal year of the 1991-93 biennium, to be allocated to the McKinney Act grantees to be used for up to 50% of the nonfederal match required under the McKinney Act.

Services provided by the Health Care for the Homeless Program include targeted case management services and community support program services for chronically mentally ill persons. These services are funded under the Medical Assistance program. The Health Care for the Homeless Program receives approximately 59.62% federal funding for these services. The state, however, does not contribute the state's share of Medical Assistance for these particular services as it does for other covered services under the Medical Assistance program. Under current state law, these services are covered under Medical Assistance only if counties pick

up the state's share of Medical Assistance costs for these particular services. Milwaukee County has not provided funding for these services to Health Care for the Homeless. Therefore, Health Care for the Homeless had to discontinue providing these services to homeless persons.

Other community health centers in the state provide health care to homeless persons. However, sufficient federal funds were not available under the McKinney Act to fund these other programs.

2. Description of Provisions in 1991 Assembly Bill 680, Relating to Health Care for Homeless Persons

1991 Assembly Bill 680 makes the following changes in state law to provide additional health care for homeless persons:

a. Requires the state, through the DHSS, to provide reimbursement of the nonfederal share of Medical Assistance for targeted case management services and community support program services provided by the Health Care for the Homeless Program in Milwaukee.

b. Prohibits county departments from placing the word "homeless" on the Medical Assistance identification card of any person who is determined to be eligible for Medical Assistance benefits and who is homeless.

c. Establishes a state program to fund primary health services and other health care services provided to homeless individuals by entities which meet the minimum qualifications for grantees under the McKinney Act but which have not received funds under that program. The Bill appropriates $125,000 GPR in each year of the 1991-93 biennium for this purpose.

d. Provides $210,000 GPR in each year of the 1991-93 biennium to the DHSS for distribution to counties and nonprofit organizations providing counseling to homeless individuals who have alcohol and other drug abuse problems.

PART IV

OTHER COMMITTEE ACTION

In addition to recommending 1991 Assembly Bill 680 to the Legislative Council for introduction into the 1991-92 Legislature, the Special Committee took the following actions:

a. Requested, in a letter to Dr. Herbert J. Grover, State Superintendent of Public Instruction, that the DPI provide the Special Committee with information on the DPI's plan to fill the vacant position of coordinator of services for homeless children and youth within the DPI.

b. Requested, in a letter to Gerald Whitburn, Secretary of Health and Social Services, that the DHSS do the following:

(1) Send a strongly-worded letter to all mental health facilities in the state, as well as any other person, county department director or s. 51.42 board authorized to discharge or transfer patients from mental health facilities, which would state that discharging patients to homeless shelters is prohibited under s. 51.35 (5), Stats., other than in an emergency for a period not to exceed 10 days, and that the DHSS will initiate enforcement proceedings against any facility, person or entity which violates this provision of state law.

(2) Provide information to homeless programs and shelters that s. 51.35 (5), Stats., prohibits them from being required to take individuals discharged from mental health facilities for a period of time exceeding 10 days.

c. Requested, in a letter to Richard Longabaugh, Executive Director of WHEDA, that WHEDA take the following actions:

(1) Blueprint Loan Program: Make blueprint loans available to eligible housing sponsors for single-family housing in addition to multi-family housing. In addition, increase the number of loans provided under the Blueprint Loan Program.

(2) Multi-Family Tax-Exempt Rental Housing Program: Increase the number of mortgages provided under the Multi-Family Tax-Exempt Rental Housing Program.

(3) Credit Enhancement for Multi-Family Developments: Become a delegated underwriter and servicer for the Fannie Mae Credit Enhancement Program for multi-family developments, whereby bonds would be issued and proceeds from the bond issues would be used to provide construction financing and permanent financing for rental projects.

(4) Soft-Second Mortgage Program: Develop a pilot program for "soft-second" mortgage loans, whereby WHEDA would make limited secondary mortgage loans directly or enter into contracts authorized under lenders to enter into such loans. The loans would assist low- and moderate-income first-time home buyers with down payment and closing costs.

d. Requested, in a letter to John Maurer, Secretary of Veterans Affairs, that the DVA encourage county veteran services offices to provide outreach services and assistance to homeless veterans similar to the services provided by the Homeless Veterans Reintegration Project in Milwaukee County.

e. Supported the provision of the 1991-93 Executive Budget Bill (1991 Assembly Bill 91) which allowed local housing organization grants under s. 16.36, Stats., to be used for housing-related counseling services.

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APPENDIX

COMMITTEE MATERIALS

Staff Materials

1. Staff Brief 90-6, Information on Homelessness in Wisconsin (July 26, 1990).

2. MEMO NO. 1, Wisconsin Housing and Economic Development Authority Homelessness Projects Chart (September 5, 1990).

3. MEMO NO. 2, New Jersey Homelessness Prevention Program (November 2, 1990).

4. MEMO NO. 3, Homelessness Assistance Programs Chart (November 2, 1990).

5. Discussion Paper 90-2, Possible Changes in Laws and Programs Relating to Homelessness (December 7, 1990).

6. Discussion Paper 91-1, Proposals Relating to Increasing Housing Opportunities for Homeless Persons (February 1, 1991).

7. Memorandum, Proposed Modifications to Homelessness Committee Proposals (February 7, 1991).

8. Memorandum, Summary of Items Approved by the Special Committee on Homelessness at its April 5, 1991 Meeting (April 15, 1991; Revised May 21, 1991).

Other Materials

1. Brochure, Transitional Housing, Inc., 1989 Annual Report (undated).

2. Street Talk, by the Coalition for Community Health Care (July 1990).

3. Eclipse, by the National Association of Black Veterans (June-July 1990).

4. Memorandum, Homeless Veterans Reintegration Program Analysis, by John Scherer (May 4, 1990).

5. Memorandum, McKinney Quarterly Technical Performance Report, by the Milwaukee County Homeless Veterans Reintegration Project (July 31, 1990).

6. Testimony of Richard Schlimm, Executive Director, Advocap, Inc., Fond du Lac, Wisconsin (September 12, 1990).

7. Testimony of Bernadine Juno, Executive Director, Hebron House, Waukesha, Wisconsin (September 12, 1990).

8. Testimony of Doug Wirth, Shelter Program Director, United Amerindian Center, Inc., Green Bay, Wisconsin (September 12, 1990).

9. Letter from Lee L. Meyer, Chairperson, Brown County Task Force on Hunger, relating to potential Committee recommendations (September 11, 1990).

10. Packet of letters from advocates for the homeless, relating to potential Committee recommendations (September 12, 1990).

11. State of Wisconsin Comprehensive Homeless Assistance Plan Performance Report-1990, Wisconsin Department of Health and Social Services (DHSS) (undated).

12. Status Report of Wisconsin Housing and Economic Development Authority Activities to Assist the Homeless, Wisconsin Housing and Economic Development Authority (WHEDA) (July 1990).

13. Memorandum to Representative Harvey Stower, Senator Brian Burke and Members of the Special Committee on Homelessness, from the Wisconsin Economic Development Association Board of Directors, relating to integrating homeless and unemployed individuals into the workforce (September 11, 1990).

14. Letter from Gloria Wilberg, President, Greater Madison Board of Realtors, relating to Greater Madison Board of Realtors' activities and potential Committee recommendations (September 11, 1990).

15. Testimony of Sherrie Tussler, Executive Director, Hope House, Milwaukee, Wisconsin (September 12, 1990).

16. Testimony of Marietta McLane, Project Coordinator, Women's Resource Center, Homeward Bound, Racine, Wisconsin (September 12, 1990).

17. Testimony of Silvia R. Jackson, Administrator, Division of Economic Support, DHSS (September 12, 1990).

18. Testimony of George Gerharz, Deputy Director, Community Relations-Social Development Commission, Milwaukee, Wisconsin (September 12, 1990).

19. Testimony and attached materials of Bill Schweers, President, and Ann Schweers, Volunteer Coordinator, Habitat for Humanity of Dane County (September 10, 1990).

20. A series of memorandums, Legislative Success; Position Statement; Coalition Objectives; Technical Assistance Program; 1990 Legislative Agenda; and Statement of Purpose; by the Minnesota Coalition for the Homeless, Inc. (undated).

21. "The Minnesota Approach to Housing the Homeless," The Fiscal Letter (May/June 1990).

22. Testimony of David Sanchez, Deputy Director, Western Dairyland EOC, Inc. (October 3, 1990).

23. Testimony of Kristy Olson, Community Services Specialist, Western Dairyland EOC, Inc. (October 3, 1990).

24. Temporary Housing Demonstration Program Annual Report, State Fiscal Year 1989, Minnesota Department of Jobs and Training, Economic Opportunity Office (March 12, 1990).

25. Letter from Richard J. Longabaugh, Executive Director, WHEDA, relating to WHEDA's involvement in the Walker's Point Development Corporation Housing Project (September 28, 1990).

26. "Minnesota's Model of Transitional Housing for the Homeless," by Leonard Inskip (February 5, 1989).

27. Kaplan, Steven, "Women Who Make a Difference," Family Circle (February 20, 1990).

28. "Elim Transitional Housing, Started in Northeast, to Open 15th Site in October," Northeaster (August 22, 1990).

29. 1989 Annual Report, Elim Transitional Housing, Inc. (undated).

30. Brochure, Looking for a Home Can Be a Difficult Task, Elim Transitional Housing, Inc. (1990).

31. Innovative Solutions to Housing Through Community Action Programs, Elim Transitional Housing, Inc. (undated).

32. Annual Report, WHEDA (1990).

33. Eclipse, published by the National Association for Black Veterans (September 1990).

34. State of Minnesota Comprehensive Homeless Assistance Plan, Interagency Task Force on the Homeless (September 1990).

35. Dividends for Wisconsin 1990-91, WHEDA (August 30, 1990).

36. Affordable Housing Plan, 1990-91, Minnesota Housing Finance Agency (undated).

37. The Dane County Housing Agenda--Year 2000, Dane County Affordable Housing Task Force (March 1990).

38. Testimony of Susan Kaye, Executive Director, North Woods Community Health Center, Minong, Wisconsin (October 3, 1990).

39. Letter from Grace Sierer, Executive Director, Wisconsin Coulee Region Community Action Program, Inc., relating to transitional housing (October 17, 1990).

40. Wisconsin Runaway Programs, Wisconsin Association for Runaway Services (undated).

41. Proposals for the Wisconsin Legislative Council's Special Committee on Homelessless, Coalition for Community Health Care (November 1, 1990).

42. Materials relating to community land trusts, by Madison Area CLT Corporation (undated).

43. Letter from Joe Volk, Co-Director, Community Advocates, Milwaukee, relating to potential Committee recommendations (undated).

44. Letter from Mark Rosnow, Acting Executive Director, Coalition for Community Health Care, Inc., relating to potential Committee recommendations (November 1, 1990).

45. Memorandum, The Learning Center: Education and Recreation for Children in Shelter (undated).

46. The State Homeless Persons Assistance Act of 1989: Model State Legislation to Assist the Homeless, National Coalition for the Homeless (Spring 1989).

47. Housing Cost Reduction Initiative Application Package, Wisconsin Department of Administration (DOA), Division of Housing (October 1990).

48. Brochure, The Wisconsin Division of Housing, Wisconsin DOA, Division of Housing (September 12, 1990).

49. Knapp, Elaine, "Preventing Homelessness in Massachusetts," State Government News (July 1990).

50. "Plight of the Homeless: Panel Urges County, Community to Action," Green Bay News-Chronicle (December 11, 1990).

51. Housing Services Programs Annual Report, Office of Community Economic Development, Division of Neighborhoods and Economic Opportunity, State of Massachusetts (1988).

52. WISCAP Survey Regarding Homelessness Prevention (1990).

53. Hourly Wage Necessary to Reach Equivalent of AFDC Benefits, by Taisha Weber (January 10, 1991).

54. Brochure, "After Leaving the Hospital, How Will You Survive in the Community," Wisconsin Coalition for Advocacy (undated).

55. Wisconsin's Anti-Dumping Laws, Wisconsin Coalition for Advocacy (undated).

56. 1989 Assembly Joint Resolution 101, relating to housing of primary benefit to persons of low- or moderate-income (first consideration) (November 20, 1989).

57. "Stower Sees a 'Reservoir of Compassion,'" Milwaukee Sentinel (December 31, 1990).

58. Testimony of Doug Wirth, United Amerindian Center, Green Bay (May 20, 1991).

59. Survey of the Homeless in Brown County (August 9, 1990 to February 21, 1991), by Rolfe E. White, Ph.D., Brown County Task Force for the Homeless (undated).